

Appl. No. 10/700,131
Atty. Docket No. 9408
Preliminary Amendment dated July 19, 2006
Customer No. 27752

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REMARKS

Claims 1-11 are pending. Claims 12-14 are withdrawn. Claims 1 and 8 are canceled. Claim 9 is currently amended to add the upper height limit for the protrusions and to remove the Markush group at the end of the claim, the basis of which is in the original claims and specification, page 5. Claims 2, 3, and 5-7 are amended to depend from claim 9 instead of claim 1. No new matter has been added.

The previous rejection of claims 9-11 under 35 USC 112, second paragraph, is rendered moot since Applicant deleted the Markush group in the last three lines of claim 9.

The previous rejection under 35 USC 103 of claims 1-8, over US 6,461,720, Graff in view of US 6,129,972, McNeil, is also moot in light of the cancellation of claim 1.

Rejection Under 35 U.S.C. §102 or Alternatively Under §103 Over U.S. 3,227,598 (herein "Robb") or U.S. 3,525,663 (herein "Hale") or U.S. 4,555,433 (herein "Jablonka")

Claims 9-11 were previously rejected under 35 U.S.C. §102 or alternatively under §103 over Robb, Hale, or Jablonka. The references, however, contain no motivation to modify the reference to arrive at the claimed invention.

Robb is silent as to the height of the projections. As amended, Applicant's claim 9 specifically limits the dimensions of Applicant's claimed invention in the z-direction to the range of about 300 μm to less than 5,000 μm . However, the core material taught in Robb would not be of the same dimensions and/or function as Applicant's claim 9 because of the unique function of the invention taught by Robb. That is, the invention in Robb is directed toward the core material for use in panels, as support structures, used in the construction of buildings, such as "lightweight panels in interior and exterior walls, floors, decks, roofs, and other structural elements." (Robb, col. 1, lines 15-16, *et seq.*) Thus, the specific height dimensions claimed by the Applicant are not taught in Robb, and therefore are not anticipated by Robb. Furthermore, one of skill in the art would not be motivated by Robb's teaching to use smaller dimensions, since such small dimensions, as

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claimed by the present invention, would be unsuitable for the building construction and support functions taught by Robb.

Furthermore, Robb teaches only core structures made with metal or plastic materials. Robb is silent with respect to the use of paper for the core structures therein. The structure of claim 9 is limited to paper products. Therefore, one of skill in the art would not be motivated by Robb's teaching to use paper materials, since such material, as claimed by the present invention, would be unsuitable for the building construction and support functions taught by Robb.

Hale is also silent as to the height of the projections. As amended, Applicant's claim 9 specifically limits the dimensions of Applicant's claimed invention in the z-direction to the range of about 300 μm to less than 5,000 μm . However, the core material taught in Hale would not be of the same dimensions and/or function claimed by Applicant's claim 9 because of the unique function of the invention taught by Hale. That is, the invention in Hale is directed toward "structural core of high strength-to-weight characteristic, possessing high flexural and shear strengths, and high edge bearing capability" "an anti-clastic membrane possessing superior acoustical properties," and "stable structural insulation [panels]" among other things (Hale, col. 2, lines 21-52, *et seq.*) Thus, the specific dimensions claimed by the Applicant are not taught in Hale and therefore are not anticipated by Hale. Furthermore, one of skill in the art would not be motivated by Hale's teaching to use smaller dimensions, since such small dimensions as claimed by the present invention would be unsuitable for the functions taught by Hale.

Furthermore, Hale teaches only core structures made with thermoplastic, thermosetting resins, metal, materials. Hale is silent with respect to the use of paper for the core structures therein. The structure of claim 9 is limited to paper products. Therefore, one of skill in the art would not be motivated by Hale's teaching to use paper materials, since such material, as claimed by the present invention, would be unsuitable for the building construction and support functions taught by Robb.

Jablonka is also silent as to the height of the projections. As amended, Applicant's claim 9 specifically limits the dimensions of Applicant's claimed invention in the z-direction to the range of about 300 μm to less than 5,000 μm . However, Jablonka would not be of the same dimensions and/or function claimed by Applicant's claim 1

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because of the unique function of the invention taught by Jablonka. That is, the invention in Jablonka is directed toward a sound-absorbing element for use in building, underground and tunnel construction and in land, water and aircraft vehicle construction as well as includes "a sound-absorbing element ... which may extend over large areas of several square meters" (Jablonka, col. 4, lines 5-20 and 65-68, col. 5, line 1 and the abstract). Thus, the specific dimensions claimed by the Applicant cannot be anticipated by the teachings in Jablonka because such small dimensions would be unsuitable for the functions claimed by Jablonka. Because Jablonka does not teach each and every element recited in the present claims, Jablonka does not anticipate the claims. Furthermore, one of skill in the art would not be motivated by Jablonka's teaching to use smaller projection dimensions, since such small dimensions, as claimed by the present invention, would be unsuitable for the construction and sound-absorbing functions taught by Jablonka.

Furthermore, Jablonka teaches only structures made with film materials. Jablonka is silent with respect to the use of paper for the structures therein. The structure of claim 9 is limited to paper products. Therefore, one of skill in the art would not be motivated by Jablonka's teaching to use paper materials, since such material, as claimed by the present invention, would be unsuitable for the construction and sound-absorbing functions taught by Robb.

Conclusion

This response represents an earnest effort to place the application in proper form for allowance and to adopt Examiner's suggestion. In view of the foregoing, reconsideration of this application, and allowance of Claims 2-7 and 9-11 are respectfully requested.

Respectfully submitted,

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